

REMARKS

Claims 1-24 remain pending in the application. No claims have been amended. The Examiner is respectfully requested to reconsider and withdraw the rejection in view of the remarks contained herein.

REJECTION UNDER 35 U.S.C. § 102

Claims 1-24 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Yashiro et al. (U.S. Pat. No. 5,614,699). This rejection is respectfully traversed.

The citation by the Examiner to Yashiro et al, column 1, line 59, to column 3, line 41, as teaching controlling exhaust flow in an exhaust system for a non-conventional internal combustion power source is simply not understood. A careful review of the entire Yashiro et al patent reveals no teaching or suggestion of such an environment. Applicants have discovered the benefits of inserting a passive temperature resistant valve at predetermined positions in such a vehicle's exhaust system. The specific citation at column 1 to column 3 is merely a discussion of various valve designs and valve kinematics. It has nothing whatsoever to do with non-conventional engines that either exhibit larger ranges of acoustic frequency, flow rate or pressure in exhaust flow than found in conventional internal combustion power sources or advanced engines exhibiting discontinuities in exhaust gas flow during operation, such as found in cylinder deactivation systems and in hybrid vehicles where the internal combustion power source is intermittently switched off and on depending upon driving conditions.

Therefore, there is no teaching or suggestion of at least the following limitations from the independent claims:

Independent claims 1 and 16:

“Exhaust system for a non-conventional internal combustion power source exhibiting, during operation, larger ranges of acoustic frequency, flow rate or pressure in exhaust flow than found in conventional internal combustion power sources.”

Independent claims 6 and 21:

“Exhaust system for an internal combustion power source exhibiting discontinuities in exhaust gas flow during operation.”

Without acceding to the correctness of the Examiner’s remarks thereover, dependent claims 2-5, 7-15, 17-20, and 22-24 are believed to be in condition for allowance for the same reasons set forth above with respect to their parent independent claims.

Furthermore, with respect to dependent claims 3-5, 9-14 and 18-20, there is simply no disclosure or suggestion whatsoever in Yashiro et al of placing the valve in the positions specified in these claims. Yashiro et al discloses a muffler and does not even discuss the overall exhaust system, let alone where to place a valve in that system. Claims 1-24 are therefore believed to be in condition for allowance.

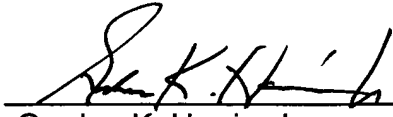
CONCLUSION

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action and the present application is in condition for allowance. Thus, prompt and

favorable consideration of this amendment is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1600.

Respectfully submitted,

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